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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) Case No. CR06-170-MJP
10 v.)
11 PEDRO RICARDO ANIYEA,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on a petition for violation of supervised release was held before the
15 undersigned Magistrate Judge on February 20, 2009. The United States was represented by
16 Assistant United States Attorney Todd Greenberg (for William Redkey), and the defendant
17 by Lynn Hartfield. The proceedings were digitally recorded.

18 The defendant had been charged and convicted of Felon in Possession of a Firearm, in
19 violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On or about August 4, 2006, defendant
20 was sentenced by the Honorable Marsha J. Pechman to a term of 30 months in custody, to be
21 followed by 3 years of supervised release. On June 30, 2008 and September 22, 2008, Judge
22 Pechman entered judgments on revocation of probation/supervised release, sentencing
23 defendant to 30 days in custody followed by 34 months TSR and 30 days in custody followed
24 by 28 months TSR, respectively.

25 The conditions of supervised release included the requirements that the defendant
26 comply with all local, state, and federal laws, and with the standard conditions. Special

01 conditions imposed included, but were not limited to, substance abuse and mental health
02 programs, 20 hours of community service if not enrolled in school or work, search, 60 days in
03 residential reentry program, 60 days EM, MRT participation and completion, DNA, and no
04 firearm.

05 In a Petition for Warrant or Summons, January 21, 2009, U.S. Probation Officer Brian
06 L. Johnson asserted the following violations by defendant of the conditions of his supervised
07 release:

- 08 (1) Using Marijuana and alcohol on or before December 6, 2008, in violation of
09 standard condition of supervision number 7.
- 10 (2) Using marijuana and alcohol on or before December 24, 2008, in violation of
11 standard condition of supervision number 7.
- 12 (3) Failing to participate as directed in a drug testing program on December 30,
13 2008, in violation of the special condition of supervision that he participate as
14 instructed in a program approved by the probation office for treatment of
15 narcotic addiction, which may include drug testing to determine if he has
16 reverted to the use of drugs.
- 17 (4) Failing to work regularly at a lawful occupation since October 10, 2008, in
18 violation of standard condition of supervision number 5.
- 19 (5) Failing to perform 20 hours of community service per week as directed by the
20 probation officer, in violation of the special condition of supervision that
21 requires that when not employed at least part-time and/or enrolled in an
22 educational or vocational program, he shall perform 20 hours of community
23 service per week as directed by the probation officer.
- 24 (6) Failing to make minimum monthly assessment payments since November 15,
25 2008, in violation of the special condition of supervision.

26 In a Supplemental Violation Report dated February 13, 2009, U.S. Probation Officer

01 Brian L. Johnson asserted the following supplemental violations by defendant of the
02 conditions of his supervised release:


- 03 (7) Failing to participate as directed in a drug testing program on January 29,
04 2009, February 5, 2009, and February 11, 2009, in violation of the special
05 condition of supervision that he participate as instructed in a program
06 approved by the probation office for treatment of narcotic addiction, which
07 may in include drug testing to determine if he has reverted to the use of drugs.
- 08 (8) Failing to participate in Moral Recognition Therapy (MRT), in violation of the
09 special condition that he shall participate in and successfully complete the
10 MRT program.

11 The defendant was advised of the allegations and advised of his rights. Defendant
12 admitted to violations 1, 2, 3, 4, 5, 6, 7 and 8.

13 I therefore recommend that the Court find the defendant to have violated the terms
14 and conditions of his supervised release as to violations 1, 2, 3, 4, 5, 6, 7 and 8, and that the
15 Court conduct a hearing limited to disposition. A disposition hearing on these violations has
16 been set before the Honorable Marsha J. Pechman on March 6, 2009 at 2:00 p.m.

17 Pending a final determination by the Court, the defendant has been released, subject
18 to supervision.

19 DATED this 20th day of February, 2009.

20 
21 JAMES P. DONOHUE
22 United States Magistrate Judge
23

24 cc: District Judge: Honorable Marsha J. Pechman
25 AUSA: Mr. William Redkey
26 Defendant's attorney: Ms. Lynn Hartfield
Probation officer: Mr. Brian L. Johnson